

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE C.V.RAMULU

TAKEN UP WRIT PETITION NO : 9106 of 1999

Between:

Smt.B.Chandramma W/o.late D.Saduloo
C/o.K.N.Vijaya Lakshmi, Advocate H.No.3-1-114, Old Mothi Market,
Hyderabad

..... PETITIONER

AND

- 1 The Divisional Engineer
Electrical Operation, A.P.S.E.B., Vikarabad,
Rangareddy District
- 2 The Regional Commissioner
P.F.Barkatpura, Hyderabad. A.P.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction, or a writ, more particularly one in the nature of writ of mandamus, calling for remarks and records in and connected to the rejection of Family Pension of the petitioner herein wife of late D.Saduloo who died on 29/04/1980 while working as Watchman under the Administrative Control of Divisional Engineer, Electrical Operation, A.P.S.E.B, Vikarabad, Rangareddy District and to declare the action of A.P.S.E.B. authorities in rejecting the petitioner's family pension on the ground of Non-submission of option during the life time and not giving any reply to petitioner's legal notice Dt.31/11/1998, while accepting monthly contribution towards pension scheme, vide A/c.No.AP/3605/304 as illegal

and arbitrary and prays the Hon'ble Court to issue necessary directions to the concerned APSEB authorities and Regional Provident Fund Commissioner, P.F. Barkatpura Hyderabad to sanction Family Pension under employees Family Pension Scheme 1971 on humanitarian grounds.

Counsel for the Petitioner:PETITION

Counsel for the Respondent No.1: Mr.S.Ravindranath

Counsel for the Respondent No.2: MR.R.N.REDDY

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

This is a taken up petition on the basis of a representation received from Smt.B.Chandramma that her husband died on 29th April, 1980 while working as Watchman under the administrative control of the Divisional Engineer, Electrical Operations, APSEB, Vikarabad and that the respondents have rejected family pension to her on the ground that her late husband has not given any option during his life time.

Earlier, when no counter affidavit was filed, the writ petition was allowed but later on, it was recalled on the application filed by the respondents. Now affidavit has been filed by the second respondent. As per the second respondent, the APSEB, the first respondent, is exempted from Employees Family Pension Scheme, 1971 under sub-Section (1)© of Section 17 of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 with effect from 1-4-1982 and that the first respondent has to settle the claim of the petitioner if any. As such no direction can be issued as sought for by the petitioner against the respondent No.2 for settlement of the petitioner's claim.

As per the stand taken by the respondent No.1, Family Pension was not available as on the date of death of the petitioner's husband and therefore, no direction can be issued even against respondent No.1.

Accordingly, the taken up petition is closed without any further directions.

DEVINDER GUPTA, CJ

8-11-2004

C.V.RAMULU, J

To

- 1 The Divisional Engineer
Electrical Operation, A.P.S.E.B., Vikarabad,
Rangareddy District
- 2 The Regional Commissioner
P.F.Barkatpura, Hyderabad. A.P.

3 2 CCs to the Member Secretary, Legal Services Authority, High Court
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